

Practitioner's Docket No. MPI00-010P1RCP1M**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	Kapeller-Libermann, Rosana		
Application No.:	10/658,904	Group No.:	1653
Filed:	September 10, 2003	Examiner:	Monshipouri, Maryam
For:	14171 PROTEIN KINASE, A NOVEL HUMAN PROTEIN KINASE AND USES THEREOF		

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT****IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

## 1. The information disclosure statement submitted herewith is being filed:

Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

**OR**

After three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

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**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office (571-273-8300).

*Paula Swirka*

**Signature**

Paula Swirka

(type or print name of person certifying)

Date: September 1, 2005

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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**Practitioner's Docket No. MPI00-010P1RCP1M**

(3) an action that otherwise closes prosecution in the application

whichever occurs first.

Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

**FEE PAYMENT**

2.  The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

Applicant believes no fee is due in connection with this submission.

Fee due \$0.00

**METHOD OF PAYMENT OF FEE**

3.  Attached is a check in the amount of                   .  
 Charge Account No. 501668 in the amount of \$0.00.  
 A duplicate of this request is attached.

If any additional fees are due, please charge Account 501668.

September 1, 2005

MILLENNIUM PHARMACEUTICALS, INC.

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PATENT

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 P.O. Box 1450  
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## INFORMATION DISCLOSURE STATEMENT

## List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1.  Preliminary Statements;
2.  Copies of Substitute for Form 1449A/PTO (1 page), Form PTO/SB/08A (1 page) Form PTO/SB/08B (1 page); and Form PTO-892 (1 page), all cited in parent application Serial No. 09/781,882;

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## 37 C.F.R. SECTION 1.8(a)

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Date: September 1, 2005

Paula Swirka  
 (type or print name of person certifying)

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**Practitioner's Docket No. MPI00-010P1RCP1M**

3.  Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted.

**Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Identification of Prior Application in Which Listed Information Was Already Cited  
and for Which No Copies Are Submitted or Need Be Submitted**

This application relies, under 35 U.S.C. section 120, on the earlier filing date of prior application Serial No. 09/781,882, filed on February 12, 2001.

The cited references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application. However, the undersigned will provide additional copies upon request.

September 1, 2005

MILLENNIUM PHARMACEUTICALS, INC.

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(Page 2 of 2)

Substitute for form 1449A/PTO		Complete if Known			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		Application Number		09/781,882	
		Filing Date		2/12/01	
		First Named Inventor		Rosana Kapeller-Libermann	
		Group Art Unit		1645	
		Examiner Name		To Be Assigned	
Sheet	1	of	1	Attorney Docket Number	35800/209014 (5800-69)

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant Of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document Office <sup>3</sup> Number <sup>4</sup> (if known) <sup>5</sup>	Kind Code (if known) <sup>5</sup>	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T
	1	THOME, M. et al., Identification of CARDIAK, A RIP-like Kinase that Associates with Caspase-1, Current Biology, Vol. 8(15) 1998.				

Examiner Signature		Date Considered	

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RTA01/2101882v1

<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup> Applicant is to place an "X" here if English language Translation is attached.

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Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	09/781,882
				Filing Date	February 12, 2001
				First Named Inventor	Rosana Kapeller-Libermann
				Group Art Unit	1652
				Examiner Name	Maryam Monshipouri, Ph.D.
				Attorney Docket Number	MP100-010P1RM
Sheet 1		of 1			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document Kind Code <sup>2</sup> Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document (MM-DD-YYYY)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document (MM-DD-YYYY)	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Kind Code <sup>5</sup> Number <sup>4</sup> (if known)				
	B1	WO	89/55865	A1	Genesis Research and Development Corp.	11-04-1999	Title pages, 1-47, Figure pp. 1-14; Sequence Listing pp. 22-23, 95-96, 132-133, 165-166, 168-169 and International Search Report
	B2	WO	00/08177	A2	Immunex Corporation	02-17-2000	
	B3	WO	00/08178	A2	Immunex Corporation	02-17-2000	
	B4	EP	1074617	A2	Helix Research Institute	02-07-2001	Pages 1-5, 48, 127-135, 139, 145-150, 165-180, 197-199, 205-207, 211-214, 354-356, 376-379, 388-393, 407-408, 421-422, 474, 580, 649, 795-798, 855, 975-976, 1031, 1106-1107, 1182, 1365-1366, 1418, 1530-1532, 1541, 155601557, 1561-1562, 1568, 1581, 1642, 2057, 2099, 2319-2320, 2332, 2394, 2407, 2452-2453, 2494, 2504, 2517, 2525, 2533-2537
	B5	WO	01/38503	A2	Sugen, Inc.	05-31-2001	Title pages, 1-109, 117, 121, 128, 131, 136, 140, 149, 218-220, 223-226, 238, 256, 262-265, 280, 295-296, 299, 302, 308-311, 314-321, 325, 327-328, 333, 377-388, Sequence Listing 22/43, 39/43
	B6	WO	01/57188	A2	Hyseq, Inc.	08-09-2001	Title pages, 1-99, 104, 107, 133, 149, 335-339, Search Report
	B7	WO	01/81363	A1	Smithkline Beecham Corp.	11-01-2001	Title pages, 1-29, 37, 40-43, Sequence Listing pp 17/69, 18/69, 57/69-59/69 Search Report

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<sup>1</sup>Unique citation design number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(use as many sheets as necessary)</small>					
Sheet	1	of	1	Application Number	09/781,882
				Filing Date	February 12, 2001
				First Named Inventor	Rosana Keppler-Libermann
				Group Art Unit	1652
				Examiner Name	Maryam Monshipouri, Ph.D.
				Attorney Docket Number	MP100-010P1RM

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C2	Holland, Pamela M. et. al., "RIP4 Is an Ankyrin Repeat-Containing Kinase Essential for Keratinocyte Differentiation" <i>Current Biology</i> Vol. 12, (August 20, 2002), pp. 1424-1428.	
	C3	Bähr, Corinna et. al., "DIK, A Novel Protein Kinase that Interacts with Protein Kinase Cδ" <i>The Journal of Biological Chemistry</i> Vol. 275, (November 17, 2000), pp. 36350-36357.	
	C4	Hattori, M. et. al., "The DNA Sequence of Human Chromosome 21" <i>Nature</i> Vol. 405 (May 18, 2000), pp. 311-319.	
	C5	Bloecker, H. et. al., "Homo sapiens mRNA; cDNA DKFZp434B2328 (from clone DKFZp434B2328); partial cds." February 18, 2000 (sequence) GenBank [online] Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on September 5, 2002]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/">http://www.ncbi.nlm.nih.gov/</a> >. GenBank Accession No. AL137448.	

Examiner Signature		Date Considered	
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<sup>1</sup>Unique citation design number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

<b>Notice of References Cited</b>	Application/Control No. <b>09/781,882</b>	Applicant(s)/Patent Under Reexam <b>Kapeller-Libermann et al.</b>	
	Examiner <b>Maryam Monshipouri</b>	Art Unit <b>1652</b>	Page 1 of 1

**U.S. PATENT DOCUMENTS**

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	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Country	Name	Classification <sup>2</sup>
N	99/04265	1/1999	WO	Old et al.	---
O					
P					
Q					
R					
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**NON-PATENT DOCUMENTS**

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages	
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<sup>1</sup> A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).<sup>1</sup> Dates in MM-YYYY format are publication dates.<sup>2</sup> Classifications may be U.S. or foreign.